



Board of Legal Document Preparers

Arizona State Courts Building
1501 West Washington Street
Phoenix, Arizona 85007

Monday, March 27, 2017
Time: 10:00 a.m.
Hearing Room 109

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Mary Carlton
Paul Friedman
Jerry Thomas
Becky Nilsen

Telephonically Present:

Honorable Michael Herrod
Mary Jo Randall
Deborah Colon-Mateo

Absent:

Pamela Milburn
Cheri Clark

OTHER ATTENDEES:

AOC Staff:

Michelle Martinez
Debbie MacDougall
Hal White
Wil Castro
Pasquale Fontana
Bil MacIntyre
Brianna Farmer

Guests:

Duan A. Torres
Stacy Bethea
Jennifer Skidmore
A. Cobb
Valerie Tapia

CALL TO ORDER

Called to Order By:

Mary Carlton, Chair

Time:

10:00 a.m.

1) REVIEW AND APPROVAL OF MEETING MINUTES

Individuals Addressing the Board:

Mary Carlton, Chair

I-A: Review, discussion and possible action regarding approval of the regular session minutes of the meeting of January 25, 2017.

Discussion: None.

Motion: Consideration of and motion to approve the regular session minutes from January 25, 2017.

Motion Proposals: First Paul Friedman
Second Jerry Thomas

Motion Results: Pass

Recusals: Mary Carlton and Judge Michael Herrod

Individuals Addressing the Board:

Michelle Martinez

I-B: Review, discussion and possible action regarding amendment to approved regular session minutes of the meeting of October 17, 2016.

Discussion: Staff recommends the October 17, 2016 minutes be amended to reflect that Mr. Reedy's request to withdraw his application was deferred to a later meeting.

Motion: Consideration of and motion to approve amended regular session minutes from October 17, 2016.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

2) PENDING COMPLAINTS

Individuals Addressing the Board:

Hal White

- 2-A:** *Review, discussion and possible action regarding the Division Director dismissal of complaint number 16-L032.*

Discussion: None.

Motion: Consideration of and motion to approve amended regular session minutes from October 17, 2016.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Individuals Addressing the Board:

Hal White

- 2-B:** *Review, discussion and possible action regarding complaint number NC16-L032, involving non-certificate holders, Christine Duso and Do It Pro Per, LLC.*

Discussion: Staff recommends the Board authorize the filing of a Superior Court Cease and Desist Petition against Christine Duso and Do It Pro Per, LLC.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Individuals Addressing the Board:

Pasquale Fontana

- 2-C:** *Review, discussion and possible action regarding complaint numbers 16-L007/16-L008, involving certificate holders, Shannon Trezza and Arizona Statewide Paralegal.*

Discussion: Staff recommends the Board accept the finding of the Probable Cause Evaluator and enter a finding Shannon Trezza and AZ Statewide Paralegal, LLC have committed the alleged act(s) of misconduct as detailed in Allegations 1 and 2 of the Investigation Summary and Allegation Analysis Report in complaint numbers 16-L007 and 16-L008.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Shannon Trezza and AZ Statewide Paralegal,

LLC have not committed the alleged act(s) of misconduct as detailed in Allegations 3 of the Investigation Summary and Allegation Analysis Report in complaint numbers 16-L007 and 16-L008.

It is recommended the Board dismiss Allegation 3.

It is further recommended the Board enter a finding grounds for formal disciplinary action exists by accepting work related to the preparation of garnishments, failing to supervise those assisting in the preparation of the garnishments and failing to properly prepare the garnishments; and by preparing garnishments that violated applicable law and by providing legal advice concerning the garnishment preparation.

It is further recommended the Board issue a Censure.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

2-D: *Review, discussion and possible action regarding complaint numbers 16-L010/16-L011, involving certificate holders, Shannon Trezza and Arizona Statewide Paralegal.*

Discussion: On September 22, 2016, the Probable Cause Evaluator determined that probable cause does not exist regarding Complaint Numbers 16-L010 and 16-L011.

Staff recommends that the Board accept the determination of the Probable Cause Evaluator and dismiss Complaint Numbers 16-L010 and 16-L011.

Motion: Defer this matter and direct staff to determine status of pending lawsuit involving certificate holder.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

Individuals Addressing the Board:

Bill MacIntyre

2-E: *Review, discussion and possible action regarding Findings of Fact, Conclusions of Law and Recommendation regarding complaint number 15-L006, involving certificate holder, Sergio Diaz.*

Discussion: Staff recommends that the Board find Sergio Diaz in default and enter a Final Order issuing the 30-day suspension.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

2-F: *Review, discussion and possible action regarding complaint number 16-L009, involving certificate holder, Alejandro J. Torres.*

Discussion: Staff recommends the Board accept the finding of the Probable Cause Evaluator and enter a finding Alejandro Torres has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 16-L009.

It is recommended the Board enter a finding grounds for informal disciplinary action exists by failing to list his name and certificate number on documents he prepared; and by failing to complete the appropriate documents and by failing to complete the documents free of errors.

It is further recommended the Board issue a Letter of Concern.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

2-G: *Review, discussion and possible action regarding complaint number 16-L012, involving certificate holder, Jesse Torres.*

Discussion: Staff recommends the Board accept the finding of the Probable Cause Evaluator and enter a finding Jesse Torres has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 16-L012.

It is recommended the Board dismiss complaint number 16-L012.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

2-H: *Review, discussion and possible action regarding complaint numbers 16-L017/16-L018, involving certificate holders, Barton Stevens and Stevens Special Needs Planning, LLC.*

Discussion: Staff recommends the Board accept the finding of the Probable Cause Evaluator and enter a finding Barton Stevens has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint numbers 16-L017/16-L018.

It is recommended the Board dismiss complaint numbers 16-L017/16-L018.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen
Recused Mary Jo Randall

Motion Results: Pass

2-I: *Review, discussion and possible action regarding complaint number 16-L030, involving certificate holder, Betty Ulibarri.*

Discussion: Staff recommends the Board accept the finding of the Probable Cause Evaluator and enter a finding Betty Ulibarri has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 16-L030.

It is recommended the Board dismiss complaint number 16-L030.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

3) INITIAL CERTIFICATION AND ELIGIBILITY

Individuals Addressing the Board:

Hal White

3-A: *Review, discussion and possible action regarding the following applications for business entity exemption requests:*

1. AZ Paralegal Assist, LLC (Ella Blass)
2. Document Prep & Process Pros, Inc. (Patricia Steward)
3. Larry D. Schwartz, Ltd.
4. What-A-Lark, Ltd. (Kira Reitz)

Discussion: Staff recommends that initial certification be granted to the following:

1. AZ Paralegal Assist, LLC (Ella Blass)
2. Document Prep & Process Pros, Inc. (Patricia Steward)
3. Larry D. Schwartz, Ltd.
4. What-A-Lark, Ltd. (Kira Reitz)

In addition, staff recommends that business entity exemptions be granted to AZ Paralegal Assist, LLC, Larry D. Schwartz, Ltd. And What-A-Lark, Ltd.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

5. Susan Clark-Morales

Discussion: Staff recommends Susan Clark-Morales be granted initial legal document preparer certification.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

Individuals Addressing the Board: *Will Castro*

6. Lisa Byrd

Discussion: Staff recommends Lisa Byrd be granted initial legal document preparer certification.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

7. Sheila Perry

Discussion: Staff recommends Sheila Perry be granted initial legal document preparer certification with an effective date of July 1, 2017.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

8. Stacy Bethea

Discussion: Staff recommends Stacy Bethea be granted initial legal document preparer certification with an effective date of July 1, 2017 and include non-disclosure language.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

9. Valerie Tapia

Discussion: Staff recommends Valerie Tapia be granted initial legal document preparer certification with an effective date of July 1, 2017 and include non-disclosure language.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

10. Jaron Perkins

Discussion: Staff recommends denial of legal document preparer certification to applicant Jaron Perkins for his failure to disclose information on the certification application subsequently revealed through the background check.

Motion: Defer the matter and invite Jaron Perkins to the next meeting for an interview.

Motion Proposals: First Paul Friedman
Second Jerry Thomas

Motion Results: Pass

4) CERTIFICATION AND ELIGIBILITY

Individuals Addressing the Board:

Wil Castro

- 4-A:*** *Review, discussion and possible action regarding request for Voluntary Surrender from certificate holder, Cindy McCoy.*

Discussion: Staff recommends the Board accept the voluntary surrender request by Cindy McCoy, certificate number 80971.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

Individuals Addressing the Board:

Wil Castro

- 4-B:*** *Review, discussion and possible action regarding request for placement on Active Status received from Walter Marcus.*

Discussion: Staff recommends the Board accept the request and place Walter Marcus on Active Status.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

5) CERTIFICATION AND ELIGIBILITY

Individuals Addressing the Board:

Michelle Martinez

- 5-A:*** *Update regarding proposed Code changes concerning continuing education and certification issues.*

Discussion: At this time, the Division had AOC Legal review the proposed code changes. The proposed code changes had a few minor suggested revisions to clarify some changes which staff has incorporated into the proposed revisions. The package is currently being circulated throughout the office.

CALL TO PUBLIC

Individuals Addressing the Board:

Jennifer Skidmore

ADJOURNMENT

Time:

10:49 a.m.